



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Steve Tate, Mayor
Marilyn Librers, Mayor Pro Tempore
Larry Carr, Council Member
Marby Lee, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Steve Tate, Chair
Marilyn Librers, Vice-Chair
Larry Carr, Agency Member
Marby Lee, Agency Member
Greg Sellers, Agency Member

WEDNESDAY, NOVEMBER 17, 2010

AGENDA

JOINT REGULAR CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING

7:00 P.M.

The City Council has adopted a policy that regular meetings shall not continue beyond 11:00 p.m. unless extended by a majority of the City Council and Redevelopment Agency Board.

CALL TO ORDER

(Mayor/Chair Tate)

ROLL CALL ATTENDANCE

(Minutes City Clerk Wilson)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Minutes Clerk Wilson)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS / RECOGNITIONS / INTRODUCTIONS

CITY COUNCIL REPORTS

Council Member Librers

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

Members of the public are entitled to address the City Council and Redevelopment Agency Board concerning any item within the Morgan Hill City Council/Agency's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council/Agency Board is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

City Council and Redevelopment Agency Action
ADOPTION OF AGENDA

City Council Action
CONSENT CALENDAR:

ITEMS 1-10

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. **ACCEPTANCE OF COMMUNITY AND CULTURAL CENTER SPRAY FEATURE RESURFACING PROJECT**1-4
Recommended Action(s):
 1. **Accept** as complete the Community and Cultural Center Spray Feature Resurfacing Project in the final amount of \$40,455; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.
2. **ACCEPT INSTALLATION OF BICYCLE LOCKERS PROJECT**5-10
Recommended Action(s):
 1. **Accept** as complete the Installation of Bicycle Lockers project in the final amount of \$36,095; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.
3. **AWARD PROFESSIONAL DESIGN SERVICES CONTRACT FOR DIANA #1 REPLACEMENT WELL**11-28
Recommended Action(s): **Authorize** the City Manager to execute an agreement in the amount of \$92,500 with Luhdorff & Scalmanini (LSCE) for design services including: preparation of plans, specifications and construction support for the Diana #1 replacement well.

4. **FINAL MAP APPROVAL VILLAS OF SAN MARCOS PHASE II (TRACT 9838)**29-60
Recommended Action(s):
 1. **Approve** the final map, subdivision agreement, and improvement plans; and
 2. **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City; and
 3. **Authorize** the recordation of the final map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.

5. **SCHOOL RESOURCE OFFICER AGREEMENT**61-66
Recommended Action(s): Approve and authorize City Manager to execute an agreement for School Resource Officer (SRO) services to the Morgan Hill Unified School District.

6. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING AN AGREEMENT BETWEEN THE COUNTY OF SANTA CLARA AND THE CITY OF MORGAN HILL GRANTING PROGRAM FUNDS FOR THE DISTRIBUTION OF 2010 EMERGENCY MANAGEMENT PERFORMANCE GRANT**67-82
Recommended Action(s): Adopt Resolution authorizing an agreement between the County of Santa Clara and the City of Morgan Hill granting program funds for the distribution of 2010 Emergency Management Performance Funds.

7. **REQUEST TO REFINANCE BMR USING ADJUSTABLE RATE MORTGAGE & APPROVAL FOR SUBORDINATION**83-90
Recommended Action(s):
 1. **Adopt** Resolution approving a refinance request for an adjustable rate mortgage for the Below Market Rate unit at 16900 Marbella Court; and
 2. **Authorize** the City Manager to do everything necessary to execute a related subordination agreement.

8. **CERTIFICATION OF HOUSING ELEMENT**91-94
Recommended Action(s): Accept report.

9. **OCTOBER 2010 FINANCIAL & INVESTMENT REPORTS**95-124
Recommended Action(s): Accept and file report.

10. **ADOPT ORDINANCE NO. 1995, NEW SERIES AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE PRECISE DEVELOPMENT PLAN FOR THE 7.06 ACRE VILLAS OF SAN MARCOS SITE LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF BARRETT AVENUE AND SAN RAMON DRIVE**125-128
Recommended Action(s): Waive the reading, and **Adopt** Ordinance No. 1995, New Series, and declare that said Title, which appears on the Agenda, shall be determined to have been read by Title and further reading waived.

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 11-12

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

11. **FIRST QUARTER REPORT FROM THE CHAMBER OF COMMERCE REGARDING ECONOMIC DEVELOPMENT AND TOURISM ACTIVITIES**129-136
Recommended Action(s): Accept the first quarter report for FY 2010/11 from the Morgan Hill Chamber of Commerce.
12. **OCTOBER 2010 FINANCIAL & INVESTMENT REPORTS**137-146
Recommended Action(s): Accept and file report.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 13-15

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

13. **ACCEPT COMMUNITY & CULTURAL CENTER AND AQUATICS CENTER MONUMENT SIGN PROJECT**147-152
Recommended Action(s):
 1. **Accept** as complete the Community & Cultural Center and Aquatics Center Sign Project in the final amount of \$66,922; and
 2. **Direct** the City Clerk to file the attached Notice of Completion with the County Recorder's Office.
14. **APPROVE AGREEMENT FOR CONSTRUCTION MANAGEMENT, INSPECTION, AND TESTING SERVICES WITH URS CORPORATION FOR WEST DUNNE AVENUE SAFETY PROJECT**153-164
Recommended Action(s): Authorize City Manager to execute a contract with URS Corporation for initial Construction Management tasks during Design and Bid Phases of the West Dunne Avenue Safety Project with a not-to-exceed amount of \$30,000.
15. **ENHANCEMENT TO WEB STREAMING FOR CITY COUNCIL/REDEVELOPMENT AGENCY & PLANNING COMMISSION MEETINGS**165-168
Recommended Action(s):
 1. **Approve** and authorize the City Manager to enter into an agreement with Granicus, Inc. for streaming media services.; and
 2. **Approve** \$1,600 budget amendment for FY 10-11 in Contract Services (206.5120.42231).

City Council Action

PUBLIC HEARINGS:

ITEM 16

	Time Estimate		Page
16.	15 Minutes	<u>A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ESTABLISHING FEES FOR POST-STORAGE HEARINGS AND CITATION SIGN-OFFS TO RECOVER THE COST OF PROVIDING THE SERVICES</u> 169-178 <u>Recommended Action(s)</u> 1. <u>Open/close</u> Public Hearing; and 2. <u>Adopt</u> Resolution establishing fees.	

16 Supplemental 01

City Council Action

OTHER BUSINESS:

ITEM 17

	Time Estimate		Page
17.	5 Minutes	<u>AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING SECTION 2.09.020 (POWERS AND DUTIES) TO AUTHORIZE THE CITY ATTORNEY TO INITIATE SMALL CLAIMS ACTIONS WITHOUT COUNCIL APPROVAL</u> 179-184 <u>Recommended Action(s)</u> 1. <u>Waive</u> the first and second reading in Full of the Ordinance (Authorize the City Attorney to initiate small claims without Council approval); and 2. <u>Introduce</u> Ordinance (An Ordinance of the City Council of the City of Morgan Hill amending section 2.09.020 (Powers and Duties) to authorize the City Attorney to initiate small claims actions without Council approval).	

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Authority:	Pursuant to Government Code 54956.9(a)
Case Name:	Tichinin v. City of Morgan Hill
Case Number:	Santa Clara Superior Court Case No. 1-05-CV-046112
Attendees:	City Manager; City Attorney

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council and Redevelopment Agency Board less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17555 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council/Agency concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Council and Redevelopment Agency Board on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers, and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Council/Agency, but it is very helpful. When you are called, proceed to the podium and the Mayor/Chairman will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council/Redevelopment Agency.

Persons interested in proposing an item for the City Council/Redevelopment Agency agenda should contact a member of the City Council who may plan an item on the agenda for a future City Council or Agency Board meeting. Should your comments require Council/Agency action, your request may be placed on the next appropriate agenda. Council/Agency discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council/Agency, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408) 779-7259, (408) 779-3117 (fax) or by email michelle.wilson@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.